

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

IN RE:

DICKEY LEE SOURS SR  
CHERYL KAY SOURS

CASE NO: 10-70271-HDH-13  
HEARING DATE: 4/20/2011  
HEARING TIME: 10:00 AM

**TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND  
PLAN MODIFICATION (if required)**

NOW COMES Walter O'Cheskey, Chapter 13 Trustee, and files this Proposed Trustee's Recommendation Concerning Claims and Plan Modification (if required) in accordance with Bankruptcy Rule 3007 and General Order 2010-01 and would respectively show unto to the Court as follows:

I.

**OBJECTION -- NO PROOF OF CLAIM FILED**

The following creditors were scheduled by the Debtor(s). No Proof of Claim has been filed by them or on their behalf, as required by Bankruptcy Rule 3002(a). The bar date for filing claims pursuant to Bankruptcy Rule 3002(c) has passed. Therefore the claims should be DISALLOWED.

Trustee Clm#	Creditor Name	Scheduled Amount	Trustee Clm#	Creditor Name	Scheduled Amount
014 0 U	ARROW FINANCIAL SERVICES	\$761.00	015 0 U	ARROW FINANCIAL SERVICES	\$673.00
016 0 U	AT&T	\$333.64	017 0 U	BAYSTATE GAS	\$71.00
018 0 U	CALLIHAN PHILLIPS & AD	\$1,203.00	020 0 U	CREDIT MANAGEMENT	\$119.00
021 0 U	DATA SEARCH INC	\$2,089.00	022 0 U	EXECUTIVE SERVICES	\$572.00
023 0 U	EXECUTIVE SERVICES	\$293.00	024 0 U	EXECUTIVE SERVICES	\$270.00
025 0 U	EXECUTIVE SERVICES	\$264.00	026 0 U	EXECUTIVE SERVICES	\$247.00
027 0 U	EXECUTIVE SERVICES	\$209.00	028 0 U	EXECUTIVE SERVICES	\$131.00
029 0 U	EXECUTIVE SERVICES	\$56.00	030 0 U	EXECUTIVE SERVICES	\$50.00
031 0 U	FASHION BUG	\$471.00	033 0 U	HAMPS SUPPLY	\$377.00
034 0 U	MIDLAND CREDIT MANAGEMENT INC	\$1,038.00	036 0 U	PARAGONWAY	\$981.00
040 0 U	TXU ENERGY	\$133.28	042 0 U	UNITED REVENUE CORP	\$45.00
043 0 U	UT SOUTHWESTER MEDICAL SERVICE PLAN	\$2,215.69	044 0 U	WHICH WAY USA	\$19.75

II.

**SPECIFIC OBJECTIONS**

The Trustee hereby objects to the following claims, on behalf of the Debtor, for the reason(s) indicated below each claim listed.

Trustee Claim #	Creditor	Collateral / Description	Claim Amount
<b>PRIORITY CREDITORS</b>			
066 0	SUN LOAN COMPANY	LOAN	\$2,097.73

Trustee objects to clerk's claim #17. Claim is a duplicate of clerk's claim #13. Trustee requests claim be disallowed in full.

III.

**TRUSTEE'S RECOMMENDATIONS CONCERNING ALLOWED CLAIMS**

The Trustee hereby recommends the ALLOWANCE of the following claims for the amount and in the class as listed below.

### **SECURED CREDITORS**

008 0 * AMERICAN HOME MORTGAGE SERVICING	MORTGAGE ARREARS THRU 6-2010	\$4,840.92	\$50,376.00	5.00%	58	\$116.46 PAID BY TRUSTEE
Claim term is extended from 54 to 58 months. See Trustee's Modification below						
009 0 AMERICAN HOME MORTGAGE SERVICING	DIRECT PMTS BEGIN 7-2010	\$49,013.25	\$50,376.00			PD DIRECT BY DEBTOR
Claim term is extended from 54 to 58 months. See Trustee's Modification below.						
010 0 NUVELL CREDIT COMPANY	2002 DODGE DAKOTA	\$6,669.14	\$6,000.00	9.00%	58	\$153.95 PAID BY TRUSTEE
011 0 * INTEGRITY TEXAS FUNDING	96 SATURN	\$1,116.06	\$1,000.00			SURRENDERED
012 0 * PARAGONWAY	2000 GRAND VATAR	\$0.00	\$8,131.00			SURRENDERED
013 0 WICHITA COUNTY	2010 PROPERTY TAXES -1312 FILLMORE ST	\$647.97	\$50,376.00			PD DIRECT BY DEBTOR
035 0 * REAL TIME RESOLUTIONS INC	MORTGAGE	\$3,413.99	\$3,413.99	8.00%	58	\$89.62 PAID BY TRUSTEE
Debt provided unsecured; claim filed secured. See Trustee's Modification below						
050 0 * WICHITA COUNTY	2009 - EST 2010 BUSINESS PERSONAL PROP TAX @ 4108 BURKBURNETT RD	\$233.01	\$233.01	12.00%	58	\$5.24 PAID BY TRUSTEE
068 0 * AMERICAN HOME MORTGAGE SERVICING	POST PETITION ARREARS FOR 8/10 THRU 2/11	\$3,690.36	\$3,690.36		58	\$76.88 PAID BY TRUSTEE
See Trustee's Modification below						

### **PRIORITY CREDITORS**

038 0 * SUN LOAN	LOAN	\$2,097.73		58	\$51.16 PAID BY TRUSTEE
Debt provided as unsecured; claim filed as priority. See Trustee's Modification below					

### **UNSECURED GENERAL CREDITORS**

Trustee Clm#	Creditor Name	Claim Amount	Trustee Clm#	Creditor Name	Claim Amount
010 1 U	NUVELL CREDIT COMPANY	\$669.14	011 1 U	INTEGRITY TEXAS FUNDING	\$116.06
	SPLIT CLAIM/2002 DODGE DAKOTA			SPLIT CLAIM/96 SATURN	
019 0 U	WORLD ACCEPTANCE CORPORATION	\$422.58	032 0 U	FORT SILL NATIONAL BANK SERVICES	\$1,290.66
	LOAN/CAPITAL LOANS				
037 0 U	PRA RECEIVABLES MANAGEMENT	\$448.89	039 0 U	TXU ENERGY RETAIL COMPANY SERVICES/AG	\$1,453.37
	PURCHASES/CORTRUST ARROW FINANCE				
057 0 U *	PRA RECEIVABLES MANAGEMENT	\$1,708.58	060 0 U *	JEFFERSON CAPITAL SYSTEMS LLC PURCHASES/FIRST PREMIR ARROW FIN SERVICES	\$469.16
	PURCHASES/CAPITAL ONE NATIONAL ASSOCIATION			Not provided for in confirmed plan.	
	Not provided for in confirmed plan.				
061 0 U *	JEFFERSON CAPITAL SYSTEMS LLC	\$415.13	064 0 U *	PRECISION RECOVERY ANALYTICS INC PURCHASES/HOUGHOLD BANK	\$980.77
	PURCHASES/FIRST PREMIER ARROW FIN SERVICES			Not provided for in confirmed plan.	
	Not provided for in confirmed plan.				
065 0 U *	CRESCENT RECOVERY LLC	\$2,002.81			
	LOAN/UNIFUND				
	Not provided for in confirmed plan.				

If the Trustee's recommendation concerning any claim differs from the amount indicated in a creditor's Proof of Claim, the recommendation is deemed an objection to such claim. Unless a timely response or objection is filed contesting the Trustee's recommendation, the objection will be sustained and such claim will be allowed only in the amount and in the class indicated.

Any proposed changes by the Debtor that extends the term or lowers the interest rate as to any secured claim contained in the confirmed Plan must be set out in a Debtor's Objection or Response to the Trustee's Recommendation Concerning Claims and noticed to the affected creditor in the absence of a letter agreement between the Debtor and the affected creditor.

## IV.

### **TRUSTEE'S PLAN MODIFICATION**

Pursuant to 11 U.S.C. Section 1329, and in accordance with General Order 2010-01 Section 8, the Trustee requests the following Modification of Debtor(s)' Confirmed Plan, subject to feasibility herein:

Trustee's Modification is as follows:

Clerk's claim #17 filed by Sun Loan for \$2,097.73 is disallowed in full. Debt provided for Real Time Resolutions as unsecured was filed as secured for \$3,413.99. Said claim shall be fully vauled and paid 8% interest for the remainder of the plan with a monthly payment of \$89.62. Debt provided to Sun Loan as unsecured was filed as priority, clerk's claim #13, for \$2,097.73. Said claim shall be paid 0% interest over the remainder of the plan with a monthly payment of \$51.16 monthly payment. Per Agreed Order entered 2/17/2011, American Home Mortgage is allowed a \$3,690.36 secured claim for post petition mortgage arrears valued at \$50,376.00, paid at 0% interest over the remainder of the plan with a monthly payment of \$76.00. All creditors with timely

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filed claims shall be paid over a 58 month term. Beginning 7/24/2010 debtor shall make 10  
payments of \$300.00. Beginning 5/24/2011 debtor shall make 48 payments of \$550.00; for a total  
plan contribution of \$29,400.00.

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee

IF AN OBJECTION IS FILED, A HEARING WILL BE HELD 4/20/2011 AT 10:00 AM CONCERNING THE TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND PLAN MODIFICATION (IF REQUIRED) (TRCC) AT THE FOLLOWING LOCATION:

VIDEO: US COURTHOUSE ROOM 208, 10TH & LAMAR STREETS, WICHITA FALLS, TEXAS 76301

A PRE-HEARING CONFERENCE WITH THE TRUSTEE SHALL BE HELD AT THE SAME LOCATION AT 8:30am. ALL PARTIES ARE REQUIRED TO ATTEND THE PREHEARING CONFERENCE. ANY OBJECTIONS TO THE PLEADINGS NOT RESOLVED OR DEFAULTED AT THE PRE-HEARING CONFERENCE WILL BE HEARD BY THE COURT AT THE HEARING DATE AND TIME ABOVE. TO BE CONSIDERED, ANY OBJECTION OR RESPONSE MUST BE MADE IN WRITING, SERVED ON ALL EFFECTED CREDITORS AND FILED WITH THE COURT WITHIN THIRTY (30) DAYS FROM THE DATE OF SERVICE.

PURSUANT TO GENERAL ORDER 2010-01 SECTION 8(C), UNLESS AN OBJECTION IS TIMELY FILED AS TO THE TREATMENT OF ANY CLAIM OR MODIFICATION, THE CLAIM OR MODIFICATION WILL BE ALLOWED OR APPROVED AS DESCRIBED IN THE TRCC AND SUCH TREATMENT WILL BE FINAL AND BINDING ON ALL PARTIES.

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee

I hereby certify that a copy of the foregoing Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) and Notice of Hearing and Pre-Hearing Conference on Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) was this date served on the following parties electronically or at the addresses listed below by U.S. First Class mail:

Date: 2/28/2011

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee

AMERICAN HOME MORTGAGE SERVICING 1525 S BELTLINE ROAD SUITE 100 N COPPELL TX 75019  
AMERICAN HOME MORTGAGE SERVICING INC PO BOX 631730 IRVING TX 75063  
ARROW FINANCIAL SERVICES 5996 WEST TOUHY AVE NILES IL 60714  
AT&T PO BOX 630060 DALLAS TX 75263  
BAYSTATE GAS PO BOX 67015 HARRISBURG PA 17106  
CALLIHAN PHILLIPS & AD 45153 LAKE SETTLEMENT DR PRAIRIEVILLE LA 70769  
CAPITAL LOANS 3100 SEYMORE HIGHWAY WICHITA FALLS TX 76301  
CAPITAL LOANS 3401 KEMP BLVD STE N WICHITA FALLS TX 76308  
CITY OF WF, WFSD, WICHITA COUNTY CO PERDUE BRANDON FIELDER COLLINS & MOTT PO BOX 8188 WICHITA FALLS TX 76307  
CREDIT MANAGEMENT 4200 INTERNATIONAL PKWY CARROLLTON TX 75007  
CRESCENT RECOVERY LLC PO BOX 1097 CHESAPEAKE VA 23327  
DATA SEARCH INC PO BOX 461289 SAN ANTONIO TX 78246  
DICKEY LEE SOURS SR & CHERYL KAY SOURS 1312 FILLMORE WICHITA FALLS TX 76309  
EXECUTIVE SERVICES 1200 AUSTIN ST WICHITA FALLS TX 76301  
FASHION BUG 1103 ALLEN DR MILFORD OH 45150  
FORT SILL NATIONAL BANK PO BOX 33009 FORT SILL OK 73503  
FT SILL NATIONAL BANK 511 SW A AVE LAWTON OK 73501  
HAMPS SUPPLY 10231 PLANO RD STE 110 DALLAS TX 75238  
INTEGRITY TEXAS FUNDING 3440 PRESTON RIDGE ROAD SUITE 500 ALPHARETTA GA 30005  
INTERNAL REVENUE SERVICE PO BOX 7317 PHILADELPHIA PA 19101  
INTERNAL REVENUE SERVICE PO BOX 7346 PHILADELPHIA PA 19101  
JEFFERSON CAPITAL SYSTEMS LLC PO BOX 7999 SAINT CLOUD MN 56302  
JEFFERSON CAPITAL SYSTEMS LLC PO BOX 953185 ST LOUIS MO 63195  
LONE STAR 3310 KEMP BLVD WICHITA FALLS TX 76308  
MIDLAND CREDIT MANAGEMENT INC PO BOX 939019 SAN DIEGO CA 92193  
MONTE J WHITE ATTORNEY AT LAW 1106 BROOK AVE HAMILTON PLACE WICHITA FALLS TX 76301  
NATIONWIDE ACCEPTANCE CORP 3435 N CICERO AVE CHICAGO IL 60641  
NUVELL CREDIT COMPANY PO BOX 130424 ROSEVILLE MN 55113  
NUVELL CREDIT COMPANY PO BOX 78369 PHOENIX AZ 85062  
NUVELL CREDIT PO BOX 380901 BLOOMINGTON MN 55438  
PARAGONWAY 2101 WEST BEN WHIT AUSTIN TX 78704  
PORTFOLIO RECOVERY ASSOCIATES PO BOX 41067 NORFOLK VA 23541  
PRA RECEIVABLES MANAGEMENT PORTFOLIO REC ASSOC PO BOX 41067 NORFOLK VA 23541  
PRA RECEIVABLES MANAGEMENT PORTFOLIO RECOVERY ASSOC PO BOX 12914 NORFOLK VA 23541  
PRECISION RECOVERY ANALYTICS INC C/O B-LINE LLC MS 550 PO BOX 91121 SEATTLE WA 98111  
REAL TIME RESOLUTIONS INC AGENT OF NATIONWIDE 1750 REGAL ROW SUITE 120 DALLAS TX 75235  
REAL TIME RESOLUTIONS PO BOX 36655 DALLAS TX 75235  
RECOVERY MANAGEMENT SYSTEMS CORP 25 SE 2ND AVENUE STE 1120 MIAMI FL 33131  
SUN LOAN 3146 SEYMORE HWY STE H WICHITA FALLS TX 76301  
SUN LOAN COMPANY 3146 5TH ST STE H WICHITA FALLS TX 76301  
TXU ENERGY PO BOX 660409 DALLAS TX 75266  
TXU ENERGY PO BOX 666565 DALLAS TX 75266  
TXU ENERGY RETAIL COMPANY C/O BANKRUPTCY DEPARTMENT PO BOX 650393 DALLAS TX 75265  
UNITED REVENUE CORP 204 BILLINGS ST STE 120 ATTN OFFICE MANAGER ARLINGTON TX 76010  
UNITED STATES ATTORNEY 801 CHERRY STREET UNIT 4 FT WORTH TX 76102  
US ATTORNEY ATTORNEY IN CHARGE 1100 COMMERCE STREET SUITE 300 DALLAS TX 75242  
US ATTORNEY GENERAL 10TH ST & CONSTITUTION AVE WASHINGTON DC 20530  
UT SOUTHWESTER MEDICAL SERVICE PLAN PO BOX 845347 DALLAS TX 75284  
WHICH WAY USA PO BOX 4002862 DES MOINES IA 50340  
WICHITA COUNTY PO BOX 1471 WICHITA FALLS TX 76307  
WILLIAM T NEARY UNITED STATES TRUSTEE 1100 COMMERCE STREET RM 976 DALLAS TX 75242  
WORLD ACCEPTANCE CORPORATION ATTN BANKRUPTCY PROCESSING CENTER PO BOX 6429 GREENVILLE SC 29606